

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	Criminal No. 1:00-CR-00173
	:	
v.	:	(Judge Rambo)
	:	
JAMES ANTHONY HUGHES	:	(Electronically Filed)

MOTION FOR RELIEF UNDER 18 U.S.C. § 3582(c)

AND NOW comes James A. Hughes, by his attorney, Thomas A. Thornton, of the Federal Public Defenders Office, and files this Motion for Relief Under 18 U.S.C. § 3582(c). In support thereof, it is averred as follows:

1. On May 24, 2000, a Grand Jury sitting in the Middle District of Pennsylvania returned a two count Indictment charging James A. Hughes with drug trafficking. Specifically the distribution and possession with the intent to distribute cocaine base a/k/a “crack” in violation of 21 U.S.C. § 841 (a)(1).
2. James A. Hughes appeared before this Honorable Court on August 9, 2000 and entered a plea of guilty to Count Two of the Indictment charging the same

offense of distribution and possession with the intent to distribute cocaine and cocaine base in violation of 21 U.S.C. § 841 (a)(1).

3. The Court ordered the preparation of a presentence report.

4. The 2000 edition of the United States Sentencing Guidelines Manual was used to calculate James A. Hughes' sentencing guideline range.

5. The presentence report provides that James A. Hughes was accountable for between 500 grams and 1.5 kilograms of cocaine base.

6. The presentence report listed the base offense level as 36. The offense level was increased by two levels for possession of a weapon and reduced by three levels for acceptance of responsibility. This resulted in a final offense level of 35. The career offender level (37) was lower than the crack level.

7. James A. Hughes was assigned a criminal history category of VI as a career offender.

8. James A. Hughes's sentencing guideline range was 292 - 365 months.
9. After awarding credit for acceptance of responsibility, the court adopted the findings of the presentence report.
10. On October 27, 2004, this Honorable Court sentenced James A. Hughes to a term of imprisonment of 180 months. This represented 39 percent reduction from the bottom of the guideline range based on a substantial assistance motion from the Government.
11. James A. Hughes is serving this sentence at FCI Allenwood Medium.
12. James A. Hughes' projected release date is May 27, 2013.
13. On November 1, 2007, the United States Sentencing Commission amended the Drug Quantity Table and reduced the offense level for an offense involving at least 500 grams but less than 1.5 kilograms of cocaine base by 2 levels to a level 34. (Amendment 706).

14. On December 12, 2007, the United States Sentencing Commission announced its decision to apply the amendments to the crack guidelines retroactively effective March 3, 2008 and listed Amendment 706 in the new U.S.S.G. § 1B1.10 (c).

15. Pursuant to 18 U.S.C. § 3582(c)(2), “in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission . . . upon motion of the defendant . . . the court may reduce the term of imprisonment, after considering the factors set forth in section 3553(a) to the extent that they are applicable, . . . .”

16. Under the retroactive application of the amendment to the sentencing guidelines, James A. Hughes’s total offense level is 34 and with a 2 level increase for possession of a weapon and a 3 level reduction for acceptance of responsibility, the final offense level is 33.

17. An offense level of 33 and a criminal history category of VI results in a now advisory guideline imprisonment range of 235 to 293 months.

18. However, the reduction also brings the career offender guideline back into play.

19. The reduced level (36) is lower than the career offender level of 37. Consequently, the career offender level must be used.

20. If the level of 37 is reduced by three levels for acceptance of responsibility, the resulting range would be (34 and VI) 262 - 327.

21. A 39 percent reduction from the bottom of that guideline range yields a sentence of approximately 160 months.

22. Because James A. Hughes had been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission, he moves this Honorable Court to reduce the term of imprisonment in accordance with 18 U.S.C. § 3582(c)(2).

23. Defense counsel has communicated with Acting United States Attorney Martin C. Carlson who indicated that he would be filing a separate response .

WHEREFORE, it is respectfully requested that this Honorable Court grant the foregoing Motion for Relief Under 18 U.S.C. § 3582(c).

Respectfully submitted,

Date: April 15, 2008

/s/ Thomas A. Thornton

THOMAS A. THORNTON, ESQUIRE

Federal Public Defender

Attorney ID #PA44208

100 Chestnut Street, Suite 306

Harrisburg, PA 17101

Tel. No. (717) 782-2237

Fax No. (717) 782-3881

<Thomas A. Thornton@fd.org>

Attorney for James A. Hughes

**CERTIFICATE OF SERVICE**

I, Thomas A. Thornton, Federal Public Defender for the Middle District of Pennsylvania, do hereby certify that I served a copy of the foregoing **MOTION FOR RELIEF UNDER 18 U.S.C. § 3582(c)(2)**, via Electronic Case Filing, or by placing a copy in the United States mail, first class in Harrisburg, Pennsylvania, addressed to the following:

Martin C. Carlson, Esquire

[REDACTED]  
[REDACTED]  
[REDACTED]

Eric Pfisterer, Esquire

[REDACTED]  
[REDACTED]  
[REDACTED]

Drew Thompson

[REDACTED]  
[REDACTED]  
[REDACTED]

James A. Hughes

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Date: April 15, 2008

/s/ Thomas A. Thornton

THOMAS A. THORNTON, ESQUIRE  
Federal Public Defender  
Attorney ID #PA44208  
100 Chestnut Street, Suite 306  
Harrisburg, PA 17101  
Tel. No. (717) 782-2237  
Fax No. (717) 782-3881  
<Thomas A. Thornton@fd.org>  
Attorney for James A. Hughes